

# How to raise a Data Protection complaint with the NHS Business Services Authority

This document explains how you can raise a data protection complaint with the NHS Business Services Authority (NHSBSA).

This document **does not** cover:

- How to make a request under the Freedom of Information (FOI) Act 2000 or the Environmental Information Regulations (EIR) 2004 – more information is on the website: [www.nhsbsa.nhs.uk/contact-us/freedom-information](http://www.nhsbsa.nhs.uk/contact-us/freedom-information)
- The NHS Pensions formal complaints process – for information on this go to [www.nhsbsa.nhs.uk/nhs-pensions](http://www.nhsbsa.nhs.uk/nhs-pensions)  
The NHSBSA formal complaints process – more information on this is included in the full complaints policy go to <https://www.nhsbsa.nhs.uk/contact-us/complaint>

## Data Protection policy

The Data Protection Act 2018 provides a right to raise complaints with the organisation responsible for processing your personal data (the Controller) as shown in our privacy notices at [Privacy | NHSBSA](#)

If you are unhappy with the service provided by the NHSBSA, then we will direct you to that service. If the NHSBSA is not responsible for the processing of your personal data, we will confirm this to you and, where possible, provide you with the details of the organisation that is.

## **Data Protection Complaint**

A data protection complaint can be raised about the following:

- the way we responded to your request for a copy of your personal data
- how you were impacted by a personal data breach
- your information was not changed when you asked us to update it
- We did not delete or stop using your personal data when you asked us to
- how you were informed about the processing of your personal data
- we did not offer you a review of an automated decision
- how we use your personal data

## How to raise a Data Protection complaint

Contact us using the email or postal address on our website, under the heading 'Contact Us' at [Privacy | NHSBSA](#)

You should explain clearly the reasons why you have a data protection complaint and provide any supporting information. Any information you provide will be helpful when investigating your complaint.

### Our next steps

1. We will acknowledge your complaint as soon as possible and provide a date by which we aim to respond to you.
  - We are required to acknowledge your complaint within 30 calendar days of receiving it, and to respond as soon as possible.
2. Where we need more information, we will explain this to you. This could be:
  - Further details about your complaint
  - Proof of your identity such as your driving licence or passport
  - If you are acting on behalf of someone else, proof that they have agreed to this or you have the authority to act on their behalf, such as a letter of authority or a Power of Attorney
3. Your complaint will be considered fairly and thoroughly. The colleagues who handle your complaint have the relevant training, experience and understanding of the relevant legislation.

4. We will investigate any issues or concerns, looking at the relevant facts, taking account of any information you have provided together with the information we hold, and assessing if our policies and procedures have been followed.
5. We may need to speak with the NHSBSA colleagues or supplier who processed your personal data to assist us in the resolution of your complaint.
6. If the investigation is likely to take more than a month, we will provide you with a date for when we expect to finish our investigation and a point of contact for any questions.
7. We will contact you in writing with a full explanation.

Possible outcomes are:

- a. the requirements of our procedures were not met. Where this is the case, we will identify appropriate steps to ensure that lessons are learnt and our processes are improved.
- b. The NHSBSA followed and has complied with the law, and our policies and procedures.
- c. the NHSBSA may not complete some or all of the actions requested. We will advise you of our reasons for this.

## **Appeal to the ICO**

The ICO oversees information rights and is independent of the NHSBSA.

Once we have completed our investigation and advised you of the outcome, you can appeal to the ICO. If you go directly to the ICO before raising a complaint with us, the ICO will ask that you contact us first.

The ICO can be contacted as follows:

Information Commissioner's Office  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF

[ICO complaints portal](#)

Telephone: 0303 123 1113